



Senate

General Assembly

File No. 82

February Session, 2022

Substitute Senate Bill No. 210

Senate, March 22, 2022

The Committee on Labor and Public Employees reported through SEN. KUSHNER of the 24th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING TECHNICAL AND OTHER CHANGES TO THE
LABOR DEPARTMENT STATUTES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 31-2 of the 2022 supplement to the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective from passage*):

4 (a) The Labor Commissioner shall collect information upon the
5 subject of labor, its relation to capital, the hours of labor, the earnings of
6 laboring men and women and the means of promoting their material,
7 social, intellectual and moral prosperity, and may summon and examine
8 under oath such witnesses, and may direct the production of, and
9 examine or cause to be produced and examined, such books, records,
10 vouchers, memoranda, documents, letters, contracts or other papers in
11 relation thereto as he deems necessary, and shall have the same powers
12 in relation thereto as are vested in magistrates in taking depositions, but
13 for this purpose persons shall not be required to leave the vicinity of

14 their residences or places of business. [Said commissioner shall collect
15 and collate (1) population and employment data to project who is
16 working, who is not working and who will be entering the job market,
17 and (2) data concerning present job requirements and potential needs of
18 new industry.]

19 Sec. 2. Subsection (f) of section 31-3pp of the 2022 supplement to the
20 general statutes is repealed and the following is substituted in lieu
21 thereof (*Effective from passage*):

22 (f) [Not later than July 15, 2012, and annually thereafter, and January
23 15, 2013, and annually thereafter] In each fiscal year that eligible small
24 businesses and manufacturers are awarded subsidized employment
25 and training program grants pursuant to this section, the Labor
26 Commissioner shall provide a report not later than October first of such
27 fiscal year, in accordance with the provisions of section 11-4a, to the joint
28 standing committees of the General Assembly having cognizance of
29 matters relating to finance, revenue and bonding, appropriations,
30 commerce and labor. Said report shall include available data, for the
31 [six-month period ending on the last day of the calendar month] fiscal
32 year preceding such report, on (1) the number of small businesses that
33 participated in the Subsidized Training and Employment program
34 established pursuant to subsections (c) and (e) of this section, and the
35 general categories of such businesses, (2) the number of small
36 manufacturers that participated in the Subsidized Training and
37 Employment program established pursuant to subsections (d) and (e) of
38 this section, and the general categories of such manufacturers, (3) the
39 number of individuals that received employment, and (4) the most
40 recent estimate of the number of jobs created or maintained.

41 Sec. 3. Subsection (d) of section 31-3uu of the general statutes is
42 repealed and the following is substituted in lieu thereof (*Effective from*
43 *passage*):

44 (d) [Not later than July 15, 2013, and annually thereafter, and January
45 15, 2014, and annually thereafter] In every fiscal year that eligible
46 businesses are awarded unemployed armed forces member subsidized

47 training and employment program grants pursuant to this section, the
48 Labor Commissioner shall provide a report not later than October first
49 of such fiscal year, in accordance with the provisions of section 11-4a, to
50 the joint standing committees of the General Assembly having
51 cognizance of matters relating to finance, revenue and bonding,
52 appropriations, commerce, veterans and labor. Said report shall include
53 available data, for the [six-month period ending on the last day of the
54 calendar month] fiscal year preceding such report, on (1) the number of
55 businesses that participated in the Unemployed Armed Forces Member
56 Subsidized Training and Employment program established pursuant to
57 subsection (b) of this section, and the general categories of such
58 businesses, and (2) the number of individuals that received employment
59 under said program.

60 Sec. 4. Subsection (c) of section 31-51ii of the general statutes is
61 repealed and the following is substituted in lieu thereof (*Effective from*
62 *passage*):

63 (c) The Labor Commissioner shall exempt any employer from the
64 requirements of this section if he finds that (1) requiring compliance
65 would be adverse to public safety, (2) the duties of a position may only
66 be performed by one employee, (3) the employer employs less than five
67 employees on a shift at a single place of business provided the
68 exemption shall only apply to the employees on such shift, or (4) the
69 continuous nature of an employer's operations, such as chemical
70 production or research experiments, requires that employees be
71 available to respond to urgent or unusual conditions at all times and
72 such employees are compensated for break and meal periods. [The
73 commissioner shall adopt regulations, in accordance with the
74 provisions of chapter 54, to establish the procedures and requirements
75 for the granting of such exemptions.]

76 Sec. 5. Subsections (a) to (e), inclusive, of section 31-225a of the 2022
77 supplement to the general statutes are repealed and the following is
78 substituted in lieu thereof (*Effective from passage*):

79 (a) As used in this chapter:

80 (1) "Qualified employer" means each employer subject to this chapter
81 whose experience record has been chargeable with benefits for at least
82 one full experience year, with the exception of employers subject to a
83 flat entry rate of contributions as provided under subsection [(e)] (d) of
84 this section, employers subject to the maximum contribution rate under
85 subsection (c) of section 31-273, and reimbursing employers;

86 (2) "Contributing employer" means an employer who is assigned a
87 percentage rate of contribution under the provisions of this section;

88 (3) "Reimbursing employer" means an employer liable for payments
89 in lieu of contributions as provided under section 31-225;

90 (4) "Benefit charges" means the amount of benefit payments charged
91 to an employer's experience account under this section;

92 (5) "Computation date" means June thirtieth of the year preceding the
93 tax year for which the contribution rates are computed;

94 (6) "Tax year" means the calendar year immediately following the
95 computation date;

96 (7) "Experience year" means the twelve consecutive months ending
97 on June thirtieth;

98 (8) "Experience period" means the three consecutive experience years
99 ending on the computation date, except that (A) if the employer's
100 account has been chargeable with benefits for less than three years, the
101 experience period shall consist of the greater of one or two consecutive
102 experience years ending on the computation date, and (B) to the extent
103 allowed by federal law and as necessary to respond to the spread of
104 COVID-19, for any taxable year commencing on or after January 1, 2022,
105 the experience period shall be calculated without regard to benefit
106 charges and taxable wages for the experience years ending June 30, 2020,
107 and June 30, 2021, when applicable; [, and (C) for tax year 2026,
108 "experience period" means one experience year ending on the
109 computation date and for tax year 2027, "experience period" means two
110 consecutive experience years ending on the computation date;] and

111 (9) "COVID-19" means the respiratory disease designated by the
112 World Health Organization on February 11, 2020, as coronavirus 2019,
113 and any related mutation thereof recognized by the World Health
114 Organization as a communicable respiratory disease.

115 (b) (1) The administrator shall maintain for each employer, except
116 reimbursing employers, an experience account in accordance with the
117 provisions of this section.

118 (2) With respect to each benefit year commencing on or after July 1,
119 1978, regular and additional benefits paid to an individual shall be
120 allocated and charged to the accounts of the employers who paid the
121 individual wages in his or her base period in accordance with the
122 following provisions: The initial determination establishing a claimant's
123 weekly benefit rate and maximum total benefits for his or her benefit
124 year shall include, with respect to such claimant and such benefit year,
125 a determination of the maximum liability for such benefits of each
126 employer who paid wages to the claimant in his or her base period. An
127 employer's maximum total liability for such benefits with respect to a
128 claimant's benefit year shall bear the same ratio to the maximum total
129 benefits payable to the claimant as the total wages paid by the employer
130 to the claimant within his or her base period bears to the total wages
131 paid by all employers to the claimant within his or her base period. This
132 ratio shall also be applied to each benefit payment. The amount thus
133 determined, rounded to the nearest dollar with fractions of a dollar of
134 exactly fifty cents rounded upward, shall be charged to the employer's
135 account.

136 (c) (1) (A) Any week for which the employer has compensated the
137 claimant in the form of wages in lieu of notice, dismissal payments or
138 any similar payment for loss of wages shall be considered a week of
139 employment for the purpose of determining employer chargeability.

140 (B) No benefits shall be charged to any employer who paid wages of
141 five hundred dollars or less to the claimant in his or her base period.

142 (C) No dependency allowance paid to a claimant shall be charged to

143 any employer.

144 (D) In the event of a natural disaster declared by the President of the
145 United States, no benefits paid on the basis of total or partial
146 unemployment that is the result of physical damage to a place of
147 employment caused by severe weather conditions including, but not
148 limited to, hurricanes, snow storms, ice storms or flooding, or fire except
149 where caused by the employer, shall be charged to any employer.

150 (E) If the administrator finds that (i) an individual's most recent
151 separation from a base period employer occurred under conditions that
152 would result in disqualification by reason of subdivision (2), (6) or (9) of
153 subsection (a) of section 31-236, or (ii) an individual was discharged for
154 violating an employer's drug testing policy, provided the policy has
155 been adopted and applied consistent with sections 31-51t to 31-51aa,
156 inclusive, section 14-261b and any applicable federal law, no benefits
157 paid thereafter to such individual with respect to any week of
158 unemployment that is based upon wages paid by such employer with
159 respect to employment prior to such separation shall be charged to such
160 employer's account, provided such employer shall have filed a notice
161 with the administrator within the time allowed for appeal in section 31-
162 241.

163 (F) No base period employer's account shall be charged with respect
164 to benefits paid to a claimant if such employer continues to employ such
165 claimant at the time the employer's account would otherwise have been
166 charged to the same extent that he or she employed him or her during
167 the individual's base period, provided the employer shall notify the
168 administrator within the time allowed for appeal in section 31-241.

169 (G) If a claimant has failed to accept suitable employment under the
170 provisions of subdivision (1) of subsection (a) of section 31-236 and the
171 disqualification has been imposed, the account of the employer who
172 makes an offer of employment to a claimant who was a former
173 employee shall not be charged with any benefit payments made to such
174 claimant after such initial offer of reemployment until such time as such
175 claimant resumes employment with such employer, provided such

176 employer shall make application therefor in a form acceptable to the
177 administrator. The administrator shall notify such employer whether or
178 not his or her application is granted. Any decision of the administrator
179 denying suspension of charges as herein provided may be appealed
180 within the time allowed for appeal in section 31-241.

181 (H) Fifty per cent of benefits paid to a claimant under the federal-state
182 extended duration unemployment benefits program established by the
183 federal Employment Security Act shall be charged to the experience
184 accounts of the claimant's base period employers in the same manner as
185 the regular benefits paid for such benefit year.

186 (I) No base period employer's account shall be charged with respect
187 to benefits paid to a claimant who voluntarily left suitable work with
188 such employer (i) to care for a seriously ill spouse, parent or child, or (ii)
189 due to the discontinuance of the transportation used by the claimant to
190 get to and from work, as provided in subparagraphs (A)(ii) and (A)(iii)
191 of subdivision (2) of subsection (a) of section 31-236.

192 (J) No base period employer's account shall be charged with respect
193 to benefits paid to a claimant who has been discharged or suspended
194 because the claimant has been disqualified from performing the work
195 for which he or she was hired due to the loss of such claimant's operator
196 license as a result of a drug or alcohol test or testing program conducted
197 in accordance with section 14-44k, 14-227a or 14-227b while the claimant
198 was off duty.

199 (K) No base period employer's account shall be charged with respect
200 to benefits paid to a claimant whose separation from employment is
201 attributable to the return of an individual who was absent from work
202 due to a bona fide leave taken pursuant to sections 31-49f to 31-49t,
203 inclusive, or 31-51kk to 31-51qq, inclusive.

204 (L) On and after January 1, 2024, (i) no base period employer's
205 account shall be charged with respect to benefits paid to a claimant
206 through the voluntary shared work unemployment compensation
207 program established pursuant to section 31-274j, if a claim for benefits

208 is filed in a week in which the average rate of total unemployment in the
209 state equals or exceeds six and one-half per cent based on the most
210 recent three months of data published by the Labor Commissioner, and
211 (ii) the Labor Commissioner may determine that no base period
212 employer's account shall be charged with respect to benefits paid to a
213 claimant through the voluntary shared work unemployment
214 compensation program established pursuant to section 31-274j, if a
215 claim for benefits is filed in a week in which the average rate of total
216 unemployment in the state equals or exceeds eight per cent in the most
217 recent one month of data published by the Labor Commissioner.

218 (2) All benefits paid that are not charged to any employer shall be
219 pooled.

220 (3) The noncharging provisions of this chapter, except subparagraphs
221 (D), (F) and (K) of subdivision (1) of this subsection, shall not apply to
222 reimbursing employers.

223 (d) The standard rate of contributions shall be five and four-tenths
224 per cent. Each employer who has not been chargeable with benefits, for
225 a sufficient period of time to have his or her rate computed under this
226 section shall pay contributions at a rate that is the higher of (1) one per
227 cent, or (2) the state's five-year benefit cost rate. For purposes of this
228 subsection, the state's five-year benefit cost rate shall be computed
229 annually on or before June thirtieth and shall be derived by dividing the
230 total dollar amount of benefits paid to claimants under this chapter
231 during the five consecutive calendar years immediately preceding the
232 computation date by the five-year payroll during the same period,
233 except that, to the extent allowed by federal law and as necessary to
234 respond to the spread of COVID-19, for any taxable year commencing
235 on or after January 1, 2022, the state's five-year benefit cost rate shall be
236 calculated without regard to benefit payments and taxable wages for
237 calendar years 2020 and 2021, when applicable. If the resulting quotient
238 is not an exact multiple of one-tenth of one per cent, the five-year benefit
239 cost rate shall be the next higher such multiple.

240 (e) (1) (A) As of each June thirtieth, the administrator shall determine

241 the charged tax rate for each qualified employer. Such rate shall be
242 obtained by calculating a benefit ratio for each qualified employer. The
243 employer's benefit ratio shall be the quotient obtained by dividing the
244 total amount chargeable to the employer's experience account during
245 the experience period by the total of his or her taxable wages during
246 such experience period that have been reported by the employer to the
247 administrator on or before the following September thirtieth. The
248 resulting quotient, expressed as a per cent, shall constitute the
249 employer's charged rate, except that each employer's charged rate for
250 calendar years 2024, [and] 2025, 2026 and 2027 shall be divided by 1.471,
251 [and] 1.269, 1.125 and 1.053, respectively.

252 (i) For calendar years commencing prior to January 1, 2024, if the
253 resulting quotient is not an exact multiple of one-tenth of one per cent,
254 the charged rate shall be the next higher such multiple, except that if the
255 resulting quotient is less than five-tenths of one per cent, the charged
256 rate shall be five-tenths of one per cent and if the resulting quotient is
257 greater than five and four-tenths per cent, the charged rate shall be five
258 and four-tenths per cent.

259 (ii) For calendar years commencing on or after January 1, 2024, if the
260 resulting quotient is not an exact multiple of one-tenth of one per cent,
261 the charged rate shall be the next higher such multiple, except that if the
262 resulting quotient is less than one-tenth of one per cent, the charged rate
263 shall be one-tenth of one per cent and if the resulting quotient is greater
264 than ten per cent, the charged rate shall be ten per cent.

265 (B) [If] For calendar years commencing on and after January 1, 2024,
266 if the benefit ratios calculated pursuant to subparagraph (A) of this
267 subdivision would result in the average benefit ratio of all employers
268 within a sector of the North American Industry Classification System
269 increasing over the prior calendar year's such average by an amount
270 equal to or greater than .01, the benefit ratio of each employer within
271 such sector shall be adjusted downward by an amount equal to one-half
272 of the increase in the average benefit ratio of all employers within such
273 sector. Sectors 21 and 23 of said system shall be considered one sector

274 for the purposes of this subparagraph.

275 (2) (A) Each contributing employer subject to this chapter shall pay
276 an assessment to the administrator at a rate established by the
277 administrator sufficient to pay interest due on advances from the federal
278 unemployment account under Title XII of the Social Security Act (42 U.S.
279 Code Sections 1321 to 1324). The administrator shall establish the
280 necessary procedures for payment of such assessments. The amounts
281 received by the administrator based on such assessments shall be paid
282 over to the State Treasurer and credited to the General Fund. Any
283 amount remaining from such assessments, after all such federal interest
284 charges have been paid, shall be transferred to the Employment Security
285 Administration Fund or to the Unemployment Compensation Advance
286 Fund established under section 31-264a, (i) to the extent that any federal
287 interest charges have been paid from the Unemployment Compensation
288 Advance Fund, (ii) to the extent that the administrator determines that
289 reimbursement is appropriate, or (iii) otherwise to the extent that
290 reimbursement of the advance fund is the appropriate accounting
291 principle governing the use of the assessments. Sections 31-265 to 31-
292 274, inclusive, shall apply to the collection of such assessments.

293 (B) On and after January 1, 1994, and conditioned upon the issuance
294 of any revenue bonds pursuant to section 31-264b, each contributing
295 employer shall also pay an assessment to the administrator at a rate
296 established by the administrator sufficient to pay the interest due on
297 advances from the Unemployment Compensation Advance Fund and
298 reimbursements required for advances from the Unemployment
299 Compensation Advance Fund, computed in accordance with subsection
300 (h) of section 31-264a. The administrator shall establish the assessments
301 as a percentage of the charged tax rate for each employer pursuant to
302 subdivision (1) of this subsection. The administrator shall establish the
303 necessary procedures for billing, payment and collection of the
304 assessments. Sections 31-265 to 31-274, inclusive, shall apply to the
305 collection of such assessments by the administrator. The payments
306 received by the administrator based on the assessments, excluding
307 interest and penalties on past due assessments, are hereby pledged and

308 shall be paid over to the State Treasurer for credit to the Unemployment
309 Compensation Advance Fund.

310 Sec. 6. Subsection (a) of section 31-231a of the 2022 supplement to the
311 general statutes is repealed and the following is substituted in lieu
312 thereof (*Effective from passage*):

313 (a) (1) For a construction worker identified pursuant to regulations
314 adopted in accordance with subsection (c) of this section, the total
315 unemployment benefit rate for the individual's benefit year
316 commencing on or after April 1, 1996, shall be an amount equal to one
317 twenty-sixth, rounded to the next lower dollar, of the individual's total
318 wages paid during that quarter of the individual's current benefit year's
319 base period in which wages were the highest but not less than fifteen
320 dollars.

321 (2) The total unemployment benefit rate for the individual's benefit
322 year commencing on January 1, 2024, shall be not less than forty dollars,
323 except that when the federal government provides a fully federally-
324 funded supplement to the individual's weekly benefit amount, the total
325 unemployment benefit rate shall be not less than fifteen dollars.

326 (3) [The] Except for the application of the individual's base period
327 wages in the calculation of the total unemployment benefit rate
328 pursuant to section 31-230 or a reduction in the maximum benefit rate
329 pursuant to subdivision (4) of subsection (b) of this section, the total
330 unemployment benefit rate for the individual's benefit year
331 commencing on or after January 1, 2025, shall be not less than the total
332 unemployment benefit rate for the [prior] immediately preceding
333 benefit year (A) adjusted by the percentage change in the employment
334 cost index or its successor index, for wages and salaries for all civilian
335 workers, as calculated by the United States Department of Labor, over
336 the twelve-month period ending on June thirtieth of the preceding year,
337 and (B) rounded to the nearest dollar, except that when the federal
338 government provides a fully federally-funded supplement to the
339 individual's weekly benefit amount, the total unemployment benefit
340 rate shall be not less than fifteen dollars.

341 (4) [The] Except for the application of the individual's base period
342 wages in the calculation of the total unemployment benefit rate
343 pursuant to section 31-230 or a reduction in the maximum benefit rate
344 pursuant to subdivision (4) of subsection (b) of this section, the
345 maximum weekly benefit rate under this subsection shall be not more
346 than the maximum benefit rate as provided in subdivision (4) of
347 subsection (b) of this section.

348 Sec. 7. Subsection (a) of section 31-237c of the general statutes is
349 repealed and the following is substituted in lieu thereof (*Effective from*
350 *passage*):

351 (a) The board shall consist of three members appointed by the
352 Governor, one of whom shall be designated by the Governor as
353 [chairman] chairperson of the board of review. Notwithstanding the
354 provisions of subdivision (4) of section 5-198, such [chairman]
355 chairperson shall be in the classified service and shall devote full time
356 to the duties of [his] the office. Such [chairman] chairperson shall be
357 chosen by the Governor from a list of names submitted to [him] the
358 Governor by the Commissioner of Administrative Services pursuant to
359 the provisions of subsection (d) of section 5-228. The other two members
360 appointed to serve during the appointing Governor's term of office shall
361 be a representative of employers and a representative of employees and
362 shall devote full time to the duties of their offices. The members of the
363 board representing employers and employees shall be selected as such
364 representatives based upon previous vocation, employment or
365 affiliation. A member of the board may be removed by the Governor for
366 cause.

367 Sec. 8. Subsection (a) of section 31-237d of the general statutes is
368 repealed and the following is substituted in lieu thereof (*Effective from*
369 *passage*):

370 (a) The [chairman] chairperson of the board shall be the executive
371 head of the appeals division. [He] The chairperson may delegate to any
372 person employed in the appeals division such authority as [he] the
373 chairperson deems reasonable and proper for the effective

374 administration of the division's responsibilities.

375 Sec. 9. Subsections (a) and (b) of section 31-237e of the general statutes
376 are repealed and the following is substituted in lieu thereof (*Effective*
377 *from passage*):

378 (a) The members of the board, the chief referee and the referees of the
379 state shall each be paid from the Employment Security Administration
380 Fund a salary to be determined by the Commissioner of Administrative
381 Services pursuant to section 4-40, provided the chief referee shall receive
382 a salary greater than the salary paid to a referee and the [chairman]
383 chairperson of the board shall receive a salary greater than the salary
384 paid to the chief referee. Expenses incurred in the discharge of their
385 duties of office by the [chairman] chairperson and members of the
386 board, the chief referee, and the referees shall be reimbursed in
387 accordance with regulations established for state employees by the
388 Commissioner of Administrative Services.

389 (b) Subject to the provisions of chapter 67, the board may appoint
390 such employees in the appeals division as it deems necessary to carry
391 out its responsibilities under this chapter, provided the board shall
392 appoint a staff assistant. The staff assistant shall be qualified, by reason
393 of [his] training, education and experience, to carry out the duties of the
394 position, which include, but are not limited to, performing legal research
395 for the board, advising referees on legal matters relating to procedural
396 and substantive problems of hearings and appeals, assisting the board
397 [chairman] chairperson in preparing legislative amendments to
398 unemployment compensation law pertaining to appellate matters,
399 serving as acting [chairman] chairperson of the board in the [chairman's]
400 chairperson's absence, and other related duties as required.

401 Sec. 10. Section 31-237f of the general statutes is repealed and the
402 following is substituted in lieu thereof (*Effective from passage*):

403 No member of the board shall participate in the hearing or
404 disposition of any appeal in which such member has any direct or
405 indirect interest. Challenge to the interest of any member of the board

406 may be made by any party to the proceeding and claimed for short
407 calendar, and such challenge shall be decided by the Superior Court. If
408 the challenge is upheld, the administrator shall so advise the Governor.
409 In such a case, the Governor shall assign an alternate member appointed
410 pursuant to section 31-237c, as amended by this act, except that the staff
411 assistant shall automatically become acting [chairman] chairperson of
412 the board in the [chairman's] chairperson's absence. If a replacement for
413 any member of the board is required, the Governor shall appoint a
414 substitute who represents affiliations similar to that of the member
415 being replaced to fill such unexpired term.

416 Sec. 11. Section 31-237i of the general statutes is repealed and the
417 following is substituted in lieu thereof (*Effective from passage*):

418 (a) The referee section shall consist of such referees as the board
419 deems necessary for the prompt processing of appeals hearings and
420 decisions and for the performance of the duties imposed by this chapter.
421 Each such referee shall be appointed by the board and shall be in the
422 classified service of the state.

423 (b) The [chairman] chairperson of the board shall designate from
424 among the referees a chief referee. The chief referee shall be the
425 administrative head of the referee section and may delegate to any
426 referee or any person employed in the referee section such authority as
427 [he] the chief referee deems reasonable and proper for the effective
428 administration of his or her duties.

429 (c) The first appointments under this section shall be made no later
430 than March 1, 1975. Any vacancy in the office of referee shall be filled
431 by appointment by the board.

432 Sec. 12. Section 31-252 of the general statutes is repealed and the
433 following is substituted in lieu thereof (*Effective from passage*):

434 [With the approval of the Commissioner of Administrative Services,
435 the] The administrator shall [cause to be printed for distribution] make
436 available to the public, on its Internet web site, the text of this chapter,

437 the administrator's general regulations and his annual reports to the
438 Governor and any other material the administrator deems relevant and
439 suitable, together with such decisions of the referees as the board
440 considers of general interest, and shall furnish the same to any person
441 upon application therefor.

442 Sec. 13. Subsection (b) of section 31-362g of the general statutes is
443 repealed and the following is substituted in lieu thereof (*Effective from*
444 *passage*):

445 (b) Each defense contractor which (1) performs one or more defense
446 contracts in this state, the combined value of which exceeds one million
447 dollars in any one year, and (2) after October 1, 1994, is the recipient of
448 state assistance or other funds from the Department of Economic and
449 Community Development shall establish an alternative use committee.
450 The committee shall consist of representatives of employees and
451 employers. The employees of such contractor who are represented by a
452 collective bargaining organization shall be represented on such
453 committee by a representative of such organization. The employees of
454 such contractor who are not represented by a collective bargaining
455 organization shall designate a person to serve as their representative.
456 The committee may invite representatives of the community to
457 participate in committee meetings. The committee shall prepare a plan
458 to reduce or eliminate the dependence of the contractor on defense
459 contracts. The plan shall include: (A) Alternative products that are
460 feasible to produce and marketable; and (B) retraining resources needed
461 to produce such products in order to avoid dislocation of the current
462 workforce. [The Labor Commissioner shall adopt regulations pursuant
463 to chapter 54 to administer the establishment and composition of
464 alternate use committees and the committee's duty to establish plans
465 pursuant to this subsection.]

466 Sec. 14. Subsections (f) to (h), inclusive, of section 31-374 of the
467 general statutes are repealed and the following is substituted in lieu
468 thereof (*Effective from passage*):

469 [(f) (1) Any employee or representative of employees who believes

470 that there is a violation of an occupational safety or health standard or
471 that there is an imminent danger of physical harm may request an
472 inspection by giving notice to the commissioner or his authorized
473 representative of such violation or danger. Any such notice shall be
474 reduced to writing and shall set forth with reasonable particularity the
475 grounds for the notice, and shall be signed by the employees or the
476 representative of employees. A copy of such notice shall be provided the
477 employer or the employer's agent no later than the time of the
478 inspection, provided, upon the request of the person giving such notice,
479 his or her name and the names of individual employees referred to
480 therein shall not appear in such copy or on any record published,
481 released or made available pursuant to subsection (g) of this section.
482 Upon the request of an individual employee whose name is not
483 included in such notice, but who at any time provides information to
484 the commissioner concerning the violation or danger alleged in such
485 notice, the name of such individual employee shall not appear on any
486 record published, released or made available pursuant to subsection (g)
487 of this section. If upon receipt of such notification the commissioner
488 determines there are reasonable grounds to believe that such violation
489 or danger exists, he shall make an inspection in accordance with the
490 provisions of this section as soon as practicable to determine if such
491 violation or danger exists. Such inspection may be limited to the alleged
492 violation or danger. If the commissioner determines there are no
493 reasonable grounds to believe that such violation or danger exists, he
494 shall notify the employer, employee or representative of employees in
495 writing of such determination. Such notification shall not preclude
496 future enforcement action if conditions change.

497 (2) Prior to or during any inspection of a work place, any employees
498 or representative of employees employed in such work place may notify
499 the commissioner or any representative of the commissioner responsible
500 for conducting the inspection in writing of any violation of this chapter
501 which they have reason to believe exists in such work place. The
502 commissioner shall by regulation establish procedures for informal
503 review of any refusal by a representative of the commissioner to issue a
504 citation with respect to any such alleged violation and shall furnish the

505 employer and the employees or representative of employees requesting
506 such review a written statement of the reasons for the commissioner's
507 final disposition of the case. Such notification shall not preclude future
508 enforcement action if conditions change.]

509 ~~[(g)]~~ (f) (1) The commissioner may compile, analyze and publish in
510 either summary or detail form all reports or information obtained under
511 this section.

512 (2) The commissioner shall adopt such regulations in accordance with
513 chapter 54 and this chapter as he may deem necessary to carry out his
514 responsibilities under this chapter, including regulations dealing with
515 the inspection of an employer's or owner's establishment.

516 ~~[(h)]~~ (g) (1) In accordance with the provisions of section 4-38d, the
517 duty of the Department of Public Health to license and to establish
518 standards for health facilities operated by a commercial or industrial
519 establishment for the care of its employees shall be transferred to the
520 Division of Occupational Safety and Health of the Labor Department.
521 No commercial or industrial establishment within the state shall
522 establish, conduct, operate or maintain a health facility for its employees
523 without a license as required by this subsection.

524 (2) Application for such license shall be made to the Labor
525 Department upon forms provided by it and shall contain such
526 information as the department requires, which may include affirmative
527 evidence of ability to comply with reasonable standards and regulations
528 adopted pursuant to the provisions of this subsection. Upon receipt of
529 an application for a license, the Labor Department shall issue such
530 license if, upon inspection and investigation by the Division of
531 Occupational Safety and Health, it finds that the applicant and facilities
532 meet the requirements established by regulation. Such license shall be
533 valid for one year or fraction thereof and shall terminate on March
534 thirty-first, June thirtieth, September thirtieth or December thirty-first of
535 each year. A license, unless sooner suspended or revoked, shall be
536 renewable annually, without charge, upon the filing by the licensee, and
537 approval by the Labor Department, of an annual report upon such date

538 and containing such information in such form as the department
539 prescribes and satisfactory evidence of continuing compliance with
540 requirements. Each license shall be issued only for the premises and
541 persons named in the application and shall not be transferable or
542 assignable. Licenses shall be posted in a conspicuous place on the
543 licensed premises.

544 (3) The Labor Department shall adopt, in accordance with chapter 54
545 and this chapter, and enforce regulations for health facilities licensed
546 under the provisions of this subsection in order to provide for
547 reasonable standards of health, safety and comfort for the employees
548 utilizing such facilities. The regulations adopted by the Labor
549 Department shall conform to the standards established by this chapter.

550 (4) The Labor Department, after reasonable notice and a hearing, may
551 suspend, revoke or refuse to renew a license in any case in which it finds
552 there has been a substantial failure to comply with the requirements
553 established under this subsection. The requirements of reasonable
554 notice and hearing, as provided for in this subsection, and appeals from
555 the decisions of said department, shall comply with the requirements of
556 chapter 54.

557 Sec. 15. Section 29-244 of the general statutes is repealed and the
558 following is substituted in lieu thereof (*Effective from passage*):

559 In the examination and inspection of premises provided for in
560 [sections] section 29-305, [and 31-9,] the officer making the inspection
561 shall ascertain whether there is a valid operating certificate displayed as
562 required in section 29-238 and, if there is no such certificate displayed,
563 he shall at once inform the Commissioner of Administrative Services.

564 Sec. 16. Section 31-348a of the general statutes is repealed and the
565 following is substituted in lieu thereof (*Effective from passage*):

566 (a) On or before July 1, 1993, each insurer writing workers'
567 compensation insurance in this state, either individually or through a
568 rating organization licensed pursuant to section 38a-672 of which the

569 insurer is a member or subscriber, shall file new voluntary pure
570 premium and assigned risk rates effective for the period July 1, 1993, to
571 June 30, 1994, containing a nineteen per cent benefit level reduction and
572 allowing due consideration for changes in loss costs based upon
573 experience updated through the end of 1992.

574 (b) Upon receipt of any rate filing made under this section by a rating
575 organization licensed pursuant to section 38a-672, the Insurance
576 Commissioner shall conduct a public hearing regarding the filing and
577 consult with an independent actuary engaged for the purpose of
578 certifying the accuracy of the benefit level reduction set forth in
579 subsection (a) of this section and determining whether the filed rates are
580 excessive, inadequate or unfairly discriminatory as determined by the
581 provisions of section 38a-665. The rates approved for the period July 1,
582 1993, to June 30, 1994, shall reflect (i) the actual loss costs experience
583 through the end of 1992 and (ii) the savings from benefit level reductions
584 effective July 1, 1993, as achieved by this section and sections [31-40u,]
585 31-40v, 31-275, 31-276, 31-279, 31-280, 31-284a, 31-288, 31-289b, 31-293,
586 31-294c, 31-295, 31-297a, 31-298, 31-299a, 31-300, 31-303, 31-306, 31-307
587 to 31-307b, inclusive, 31-308, 31-308a, 31-309, 31-310, 31-310c, 31-349, 31-
588 349a and 31-354.

589 (c) Within thirty days of the Insurance Commissioner's final decision
590 regarding a filing by a rating organization made pursuant to this section,
591 each insurer writing workers' compensation insurance in this state shall
592 file revised rates for the voluntary market in accordance with the
593 provisions of section 38a-676. Such revised rates shall be applicable to
594 all new and renewal workers' compensation insurance policies effective
595 on or after July 1, 1993. For any policy in effect as of June 30, 1993, during
596 the period from July 1, 1993, through the end of the policy period, the
597 premium shall be reduced by a percentage which equals the benefit
598 level reduction certified pursuant to subsection (b) of this section. With
599 respect to new and renewal policies effective on or after July 1, 1993, and
600 before the final approval of the rates filed pursuant to this subsection,
601 each workers' compensation insurance carrier shall, not later than forty-
602 five days after the rates approved pursuant to this section become final,

603 adjust the premium of such new or renewal policy for the period after
 604 July 1, 1993, to reflect the difference between the premium on the policy
 605 as issued and the premium which reflects the rates as finally approved,
 606 which rates shall reflect the specific savings achieved by this section and
 607 sections [31-40u,] 31-40v, 31-275, 31-276, 31-279, 31-280, 31-284a, 31-288,
 608 31-289b, 31-293, 31-294c, 31-295, 31-297a, 31-298, 31-299a, 31-300, 31-303,
 609 31-306, 31-307 to 31-307b, inclusive, 31-308, 31-308a, 31-309, 31-310, 31-
 610 310c, 31-349, 31-349a and 31-354.

611 Sec. 17. Sections 31-3y, 31-3z, 31-9, 31-11ll, 31-40a, 31-40b and 31-40u
 612 of the general statutes are repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	31-2(a)
Sec. 2	<i>from passage</i>	31-3pp(f)
Sec. 3	<i>from passage</i>	31-3uu(d)
Sec. 4	<i>from passage</i>	31-51ii(c)
Sec. 5	<i>from passage</i>	31-225a(a) to (e)
Sec. 6	<i>from passage</i>	31-231a(a)
Sec. 7	<i>from passage</i>	31-237c(a)
Sec. 8	<i>from passage</i>	31-237d(a)
Sec. 9	<i>from passage</i>	31-237e(a) and (b)
Sec. 10	<i>from passage</i>	31-237f
Sec. 11	<i>from passage</i>	31-237i
Sec. 12	<i>from passage</i>	31-252
Sec. 13	<i>from passage</i>	31-362g(b)
Sec. 14	<i>from passage</i>	31-374(f) to (h)
Sec. 15	<i>from passage</i>	29-244
Sec. 16	<i>from passage</i>	31-348a
Sec. 17	<i>from passage</i>	Repealer section

LAB Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which makes a number of technical, conforming, clarifying, procedural, and administrative changes to the Department of Labor statutes, does not result in any fiscal impact to the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 210*****AN ACT CONCERNING TECHNICAL AND OTHER CHANGES TO THE LABOR DEPARTMENT STATUTES.*****SUMMARY**

This bill makes various unrelated changes in the Department of Labor (DOL) statutes. It:

1. removes a requirement for the labor commissioner to collect (a) population and employment data to make projections about the workforce and (b) data about present job requirements and potential needs of new industry (§ 1);
2. limits DOL's reporting requirements on the Subsidized Training and Employment (STEP-UP) program and Unemployed Armed Forces Member Subsidized Training and Employment (Veterans STEP-UP) program (§§ 2-3);
3. eliminates a requirement for the labor commissioner to adopt regulations establishing procedures and requirements for granting exemptions to statutory meal period requirements (§ 4);
4. makes various changes to the unemployment insurance reform measures passed in 2021 (see below, §§ 5-6);
5. (a) requires the labor commissioner to make the state's unemployment laws, regulations, and other related materials available on DOL's website, rather than in print for distribution, and (b) removes a requirement for approval of the printing and distribution by the administrative services commissioner (§12);
6. eliminates a requirement for the labor commissioner to adopt regulations on alternate use committees (committees at certain

defense contractors that must prepare plans to reduce or eliminate the contractor's dependence on defense contracts) (§ 13);

7. removes a statutorily specified process for filing employee complaints about violations of the occupational safety and health standards that apply to public employers and employees (§ 14);
8. repeals obsolete statutes on (a) DOL providing self-employment assistance (CGS §§ 31-3y & 31-3z), (b) the DOL Department of Factory Inspection (CGS § 31-9), (c) developing a universal intake form for American Job Center and Workforce Development Board facilities (CGS § 31-11ll), (d) requirements for physicians and advanced practice registered nurses to report certain types of occupational poisonings to DOL (CGS § 31-40a), (e) employer requirements to provide lung function tests to certain employees (CGS § 31-40b), and (f) DOL adopting regulations for using video display terminals in state facilities (CGS 31-40u) (§ 17); and
9. makes various technical and conforming changes (§§ 7-11 & 15-16).

EFFECTIVE DATE: Upon passage

§§ 2 & 3 — CHANGES TO STEP-UP AND VETERAN STEP-UP REPORTING REQUIREMENTS

Current law requires DOL to issue reports about the STEP-UP and Veterans STEP-UP programs twice each year, by January 15 and July 15. The reports, which must be provided to the Finance, Revenue and Bonding, Appropriations, and Labor and Public Employees committees, must generally include information on the number of businesses and individuals participating in the programs.

The bill limits the reporting requirements to fiscal years in which the programs are awarding grants, with only one report due for the year, by October 1. Correspondingly, it requires that the reports cover the previous fiscal year, rather than the previous six months.

§§ 5 & 6 — CHANGES TO THE 2021 UNEMPLOYMENT INSURANCE REFORM ACT***Experience Periods and Experience Rates (§ 5)***

PA 21-200 made numerous changes to the state's unemployment insurance laws, most of which take effect in 2024. The bill makes several revisions to PA 21-200's provisions, as described below.

By law, DOL annually determines each employer's experience rate by calculating a benefit ratio for the employer over the experience period. This is the ratio between the amount charged to the employer's experience account for benefits paid to former employees and the amount of the employer's taxable wages. The experience period is the look back period (typically three years) used to determine an employer's experience rate for unemployment taxes.

PA 21-200 established a one-year experience period for employers in calendar year 2026 and a two-year experience period for employers in calendar year 2027. The bill removes these provisions, reverting to a three-year experience period for 2026 and 2027.

The bill makes a related change to employers' experience rates for 2026 and 2027. PA 21-200 requires that each employer's charged rate for the 2024 and 2025 calendar years be divided by 1.471 and 1.269, respectively. The bill further requires that the rates for the 2026 and 2027 calendar years be divided by 1.125 and 1.053, respectively.

The bill also requires that, starting on January 1, 2024 (when PA 21-200's changes become effective), if an employer's benefit ratio quotient is not an exact multiple of 0.1%, the charged rate must be the next highest multiple. Current law requires this same rounding-up for determining the rates before 2024.

Additionally, under PA 21-200, if the average benefit ratio of all employers within an industry sector increases over the prior calendar year's average by at least 0.01, DOL must adjust the benefit ratio for each employer in that sector downward by 50% of the average increase for the sector. The bill applies this requirement starting with calendar year

2024, rather than calendar year 2022 (as PA 21-200 requires).

Minimum Unemployment Benefit (§ 6)

For benefit years starting after 2024, PA 21-200 generally requires that the minimum weekly unemployment benefit for all workers be adjusted for inflation (unless the federal government provides a fully federally funded supplement to the benefit). The bill excludes from this requirement (1) the application of a construction worker's base period wages in determining his or her benefits or (2) a reduction in the maximum benefit allowed by law.

The bill also excludes the application of the constructions workers' base period wages in determining his or her benefits, or a reduction in the maximum benefit allowed by law, from the law that makes the maximum benefit allowed to construction workers the same as the maximum benefit allowed to non-construction workers.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 9 Nay 4 (03/10/2022)